

Richard K. Gustafson, Bar # 193914
 Legal Helpers, P.C.
 Sears Tower
 233 S. Wacker Drive, Suite 5150
 Chicago, IL 60606
 Tel: 1.866.339.1156
 Fax: 1.312.822.1064
rkg@legalhelpers.com
Attorney for Plaintiff
Paul Scianni

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 CENTRAL DIST. OF CALIF.
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FILED

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 EASTERN DIVISION

Paul Scianni

Plaintiff,

v.

GC Services Limited Partnership

Defendant.

Case No.:

CV 08 - 04313

GAF

(MANX)

Judge:

**COMPLAINT FOR DAMAGES
 UNDER THE FAIR DEBT COLLECTION
 PRACTICES ACT, INVASION OF
 PRIVACY AND OTHER EQUITABLE
 RELIEF**

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper in this district because this is the judicial district where all of the events giving rise to the cause of action took place.

FACTS COMMON TO ALL COUNTS

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

- 1 5. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
- 2 6. The debt in question qualifies as a "debt" as defined by 15 U.S.C. §1692a(5).
- 3 7. Defendant is either the holder of the debt or was retained by the current holder to collect the
- 4 debt.
- 5 8. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
- 6 9. In or around early February 2008, Defendant communicated with Plaintiff.
- 7 10. Despite having Plaintiff's contact information, on or around February 21, 2008, Defendant
- 8 telephoned Plaintiff's sister ("Sister").
- 9 11. During the communication referenced in Paragraph 10, Defendant asked Sister for Plaintiff's
- 10 contact information.
- 11 12. During the communication referenced in Paragraph 10, Sister refused to provide Defendant
- 12 with any information regarding Plaintiff.
- 13 13. During the communication referenced in Paragraph 10, Sister notified Defendant that
- 14 Plaintiff did not live with Sister.
- 15 14. Despite having Plaintiff's contact information and Sister's refusal, Defendant telephoned
- 16 Sister multiple times on or around February 21, 2008.
- 17 15. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial
- 18 anxiety and stress.
- 19 16. Defendant violated the FDCPA.

20 **COUNT ONE**

21 **Violation of the Fair Debt Collection Practices Act**

- 22 17. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
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1 18. The Defendant violated 15 U.S.C. §1692c in that it contacted a third party and disclosed the
2 existence, nature and/or amount of the debt.

3
4 **COUNT TWO**

5 **Violation of the Fair Debt Collection Practices Act**

6 19. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

7 20. The Defendant violated 15 U.S.C. §1692c in that it contacted a third party more than once
8 and is without justification for multiple contacts.

9
10 **COUNT THREE**

11 **Violation of the Fair Debt Collection Practices Act**

12 21. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

13 22. The Defendant violated 15 U.S.C. §1692c in that it contacted a third party and failed to
14 comply with 15 U.S.C. §1692b.

15
16 **COUNT FOUR**

17 **Violation of the Fair Debt Collection Practices Act**

18 23. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

19 24. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or
20 unconscionable means to collect a debt.

21
22 **JURY DEMAND**

23 25. Plaintiff demands a trial by jury.

24 **PRAYER FOR RELIEF**

25 26. Plaintiff prays for the following relief:
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- 1 a. Judgment against Defendant for actual damages, statutory damages pursuant to 15
2 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C.
3 §1692k.
4
5 b. Judgment, in an amount to be determined at trial, against Defendant for the
6 Invasion of Privacy by Intrusion upon Seclusion.
7
8 c. For such other legal and/or equitable relief as the Court deems appropriate.
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10 RESPECTFULLY SUBMITTED,

11 LEGAL HELPERS, P.C.

12 By: /s/ Richard K. Gustafson
13 Richard K. Gustafson, Bar # 193914
14 Legal Helpers, P.C.
15 Sears Tower
16 233 S. Wacker Drive, Suite 5150
17 Chicago, IL 60606
18 Tel: 1.866.339.1156
19 Fax: 1.312.822.1064
20 rkg@legalhelpers.com
21 *Attorney for Plaintiff*
22
23
24
25
26
27
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